



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,320	02/09/2004	Felix Henry	01807.101404	6653

5514 7590 11/28/2005

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

BRIER, JEFFERY A

ART UNIT	PAPER NUMBER
----------	--------------

2672

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/773,320

Applicant(s)

HENRY, FELIX

Examiner

Jeffery A. Brier

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 4/2/2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. The book or copy of the portion of the book is not present with this IDS.
2. The information disclosure statement filed 02/09/2004 did not have a copy of the JPEG:2000 reference, thus, it has been lined through on the 02/09/2004 PTO-1449, however, this article was easily retrieved from the IEEE website, thus, it is being made of record on the attached PTO-892 and being provided to applicant to ensure this article is the one that applicant intended to provide to the office.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on 02/18/2003. It is noted, however, that applicant has not filed a certified copy of the French application as required by 35 U.S.C. 119(b).

Drawings

4. The drawings are objected to because in figure 1 blocks 1, 2, 9, 11, 12, 13, 21, 22, and 23 need descriptive labels since these are high level blocks whose shape or form do not indicate the function of the block. Corrected drawing sheets in compliance

with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Network 113 present in figure 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted

Art Unit: 2672

after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Refer to page 1 line 22 and page 6 line 13

Claim Objections

7. Claim 36 is objected to because of the following informalities: in this claim "17 for 27" should be "17 or 27". Appropriate correction is required.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Art Unit: 2672

9. Claims 37 and 38 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. These claims are programs per se. Refer to MPEP 2106, Eighth Edition, August 2001, Latest Revision August 2005.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

11. Claim 35 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

This claim is a single means claim. See MPEP 2164.08(a) Eighth Edition, August 2001, Latest Revision August 2005

2164.08(a) Single Means Claim

A single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under **35 U.S.C. 112**, first paragraph. *In re Hyatt*, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983) (A single means claim which covered every conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor.). When claims depend on a recited property, a fact situation comparable to *Hyatt* is possible, where the claim covers every conceivable structure (means) for achieving the stated property (result) while the specification discloses at most only those known to the inventor.

Art Unit: 2672

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claim 37 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: having the program cause the microprocessor perform the method.

14. Claims 5, 8, 13, 14, 15, 21, 24, 29, 30, 31, 35, 36, 37, and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 35, 36, 37, and 38:

Each of these claims claim "in that it" which does not clearly refer back to previously claimed claim limitation, thus, these claims are indefinite.

Claims 5 and 21:

These claims recite the limitation "the SWF type". There is insufficient antecedent basis for this limitation in each of these claims. Also the word "type" renders the true scope of the claim limitation indefinite since the specification does not define "SWF type", it uses the phrase "SWF type" but it does not correlate any file types that correspond to SWF type other than SWF itself.

Claim 8 and 24:

These claims recite the limitation "the JPEG2000 type". There is insufficient antecedent basis for this limitation in each of these claims. Also the word "type" renders the true scope of the claim limitation indefinite since the specification does not define

Art Unit: 2672

"JPEG2000 type", it uses the phrase "JPEG2000 type" but it does not correlate any file types that correspond to JPEG2000 type other than JPEG2000 itself.

Claims 13 and 29:

These claims recite the limitation "the list". There is insufficient antecedent basis for this limitation in each of these claims.

Claims 14, 15, 30, and 31:

These claims recite the limitation "the execution of" and "said at least one navigation function". There is insufficient antecedent basis for this limitation in each of these claims.

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

16. Claims 1-3, 6, 7, 10-14, 16, 17-19, 22, 23, 26-30, and 32-38 are rejected under 35 U.S.C. 102(b) as being anticipated by The article by Cheong S Ang, Peter Brantley, Michael Doyle. Polymap: A Versatile Client-Side Image Map for the Web, Proceedings

of the Fourth WWW Conference at Boston, Dec 1995, pgs 1-10 describes in detail the ploymap system.

These claims do not clearly define the scope of the phrases "zoomable area" and "zoomable area being defined by characteristics of location of said area in the image and for which additional data are available". These claims do not define additional data, thus, the additional data from a WWW link that a user may retrieve when the mouse pointer is moved over a hotspot meets this broad claim limitation and additionally this additional data is a type of zooming since it allows further information with regard to an area to be displayed to the user.

A detailed analysis of the claims follows.

Claim 1:

Polymap teaches a method of creating a file (see *"The solution" section, an image file contains both image information as well as additional iformation.*) describing a digital image, comprising the steps of:

defining at least one zoomable area in the image, a zoomable area being defined by characteristics of location of said area in the image and for which additional data are available (*Certain areas of the map have additional data and the remaining areas do not. As discussed above these are considered to be zoomable because they have "additional data available".*),

writing said characteristics of said at least one zoomable area in a first file(See *the sections title The Solution and Implementation. In the implementation section JPEG files are discussed..*),

writing in the first file at least one management function for navigation in the image (*The locations in the image which have additional information is written into the same JPEG file or image file which locations are navigation information because they manage which areas the operating system will recognized as having a link to additional data.*).

Claim 2:

Polymap teaches the method according to claim 1, wherein said at least one management function relates to at least one area of the image which is not a zoomable area (*The information written into the comment blocks of the JPEG files, for example, relates to both zoomable and non-zoomable areas.*).

Claim 3:

Polymap teaches the method according to claim 2, wherein said at least one management function comprises a step of displaying a message (*In the next to last paragraph on page 4 of 10 it is seen the area with additional information available will be highlighted when the cursor passes over that area, this is a displaying a message concerning navigation relating to additional data.*).

Claim 6:

Art Unit: 2672

Polymap teaches the method according to claim 1, wherein the writing of the characteristics (E3) is performed by object instantiation (*Since the polygons of the polymap are grouped and stored into the same file then object instantiation is being performed by the writing into a single file.*).

Claim 7:

Polymap teaches the method according to claim 1, also including the steps of compression of the image (*See the last paragraph on page 4 of 10 which discusses compression of the image in the image portion of the polymap file.*) and storage of the compression data in a second file (*The polymap file is considered to be a second file and the original image is considered to be a first file.*), the compression data making it possible to reconstruct the image and further containing said additional data (*The polymap file has the compressed image and the additional data which is at least links to additional data*).

Claim 10:

Polymap teaches the method according to claim 1, wherein the image has a given quality and wherein said additional data define at least one additional quality for the zoomable area (*The term quality is a broad term and is met by the image and by the additional data for the zoomable area of the image.*).

Claims 17, 18, 19, 22, 23, and 26:

These claims are means plus function device claim version of method claims 1, 2, 3, 6, 7, and 10 which claim the same functions of claims 1, 2, 3, 6, 7, and 10. Claims 17, 18, 19, 22, 23, and 26 are rejected for the same reasons given above for claims 1,

Art Unit: 2672

2, 3, 6, 7, and 10. Additionally the corresponding means of Polymap are the same as or equivalent to applicants claimed means.

Claim 11:

Polymap teaches a method of reading a file describing a digital image comprising the steps of:

reading characteristics of at least one zoomable area in a first file, a zoomable area being defined by characteristics of location of said area in the image and for which additional data are available (*Certain areas of the map have additional data and the remaining areas do not. As discussed above these are considered to be zoomable because they have "additional data available".*),

receiving a navigation instruction (*The user moving the cursor is a navigation instruction. The user clicking on a hotspot is another navigation instruction.*),

reading at least one management function for navigation in the image, in the first file (*The polymap file has hotspot information stored in, for example, the comment field of an image file.*), and

executing said at least one function (*If the cursor is over a hotspot area and the user selects additional information then the function is executed by the computer.*).

Claim 12:

Art Unit: 2672

Polymap teaches the method of claim 11, comprising the step of testing compatibility between the navigation instruction and the characteristics of said at least one zoomable area, wherein the step of executing said at least one function occurs only if the result of the previous test is incompatibility (*If the cursor is over an area that is not a hotspot then execution of the navigation instruction, mouse click, then execution will not occur because there is no additional information. Likewise when the cursor is over an area that is a hotspot then execution of the navigation instruction, mouse click, will cause execution of the navigation instruction to occur because there is additional information.*).

Claim 13:

Polymap teaches the method according to claim 11, wherein the navigation instruction comprises an instruction included in the list consisting of an instruction to move in the image and a zoom instruction (*This limitation is broad and is covered by the retrieving of additional data.*).

Claim 14:

Polymap teaches the method according to claim 11, wherein the execution of said at least one navigation function comprises the display of a message (*In the next to last paragraph on page 4 of 10 it is seen the area with additional information available will be highlighted when the cursor passes over that area, this is a displaying a message concerning navigation relating to additional data.*).

Claim 16:

Art Unit: 2672

Polymap teaches the method according to claim 12, comprising the step of decompressing (E17) said additional data, if the result of the compatibility test is positive (*The links data from a HTTP site will be compressed for at least transmission purposes, thus, the received additional data is decompressed.*).

Claims 27, 28, 29, 30, and 32:

These claims are means plus function device claim version of method claims 11, 12, 13, 14, and 16 which claim the same functions of claims 11, 12, 13, 14, and 16. Claims 27, 28, 29, 30, and 32 are rejected for the same reasons given above for claims 11, 12, 13, 14, and 16. Additionally the corresponding means of Polymap are the same as or equivalent to applicants claimed means.

Claim 33:

Polymap teaches the device according to claim 17, wherein the definition and writing means are incorporated in:

a microprocessor (100) (*Inherent in the Windows computer running the polymap program.*),

a read only memory (102) containing a program for processing the data (*Inherent in the Windows computer running the polymap program.*), and

a random access memory (103) containing registers adapted to record the variables modified during the execution of said program (*Inherent in the Windows computer running the polymap program.*).

Claim 34:

Polymap teaches the device according to claim 27, wherein the reading, reception, test and execution means are incorporated in:

a microprocessor (*Inherent in the Windows computer running the polymap program.*),

a read only memory containing a program for processing the data (*Inherent in the Windows computer running the polymap program.*), and

a random access memory containing registers adapted to record the variables modified during the execution of said program (*Inherent in the Windows computer running the polymap program.*).

Claim 35:

Polymap teaches a digital image processing apparatus (*This apparatus is a met by the image processing performed by the Polymap program on the original image.*), characterized in that it comprises means adapted to implement the method according to claim 1 or 11 because the computer and program performing the method is the means adapted to implement the method taught by Polymap to be old and well known.

Claim 36:

Polymap teaches a digital image processing apparatus (*This apparatus is a met by the image processing performed by the Polymap program on the original image.*), characterized in that it comprises the device according to claim 17 or 27 because the

computer and program performing the method is the device that implements the method taught by Polymap to be old and well known.

Claim 37:

Polymap teaches an information storage means, characterized in that it can be read by a computer or by a microprocessor, integrated or not into the device, possibly removable, and in that it stores a program implementing the method according to claim 1 or 11 because the polymap file is stored in a computer readable medium such as a memory.

Claim 38:

Polymap teaches a computer program, characterized in that it can be read by a microprocessor and in that it comprises one or more sequences of instructions able to implement the method according to claim 1 or 11 because the polymap file is stored in a computer readable medium such as a memory as a sequence of instructions able to implement the method.

17. Claims 1-4, 6, 7, 9-20, 22, 23, 25-38 : rejected under 35 U.S.C. 102(e) as being by anticipated, Niemi, US Patent Application Publication No. 2002/0105531. Niemi cited by applicant in the background of the invention is very pertinent since it teaches zoomable areas of an image and inherently teaches navigation since for the system to respond to clicks on the image correctly, the system needs to know the location of the

Art Unit: 2672

zoomable areas defined in the database, see paragraph 0059. For the system to draw the frames around the zoomable areas the system again needs to know the location of the zoomable areas, see paragraphs 0063 and 0075.

A detailed analysis of the claims follows.

Claim 1:

Niemi teaches a method of creating a file describing a digital image, comprising the steps of:

defining at least one zoomable area in the image, a zoomable area being defined by characteristics of location of said area in the image and for which additional data are available (*See paragraphs 048-066, 0074, 0075 which describes an image having zoomable areas which upon selection by the user zoom to fill the display area used by the image, see paragraph 0052 where the presentation image is the same size as the detailed image.*),

writing said characteristics of said at least one zoomable area in a first file (*The database file for this image is a file, see paragraphs 0059 step 18, 0063 last sentence.*),

writing in the first file at least one management function for navigation in the image (*The drawing of the frame is a navigation function since the frame tells the user where the zoomable and non-zoomable areas are located in the images, see paragraphs 0063 and 0075.*).

Claim 2:

Niemi teaches the method according to claim 1, wherein said at least one management function relates to at least one area of the image which is not a zoomable area (*The frame relates to zoomable and non-zoomable areas.*).

Claim 3:

Niemi teaches the method according to claim 2, wherein said at least one management function comprises a step of displaying a message (*The type of message is not specifically claimed, thus, the displayed frame defining zoomable areas is a message.*).

Claim 4:

Niemi teaches the method according to claim 2, wherein said at least one management function comprises a step of zooming said at least one area by interpolation (*The continuous zooming uses either interpolation, see paragraph 0057, or by using an extra image, see paragraph 0062.*).

Claim 6:

Niemi teaches the method according to claim 1, wherein the writing of the characteristics (E3) is performed by object instancing (*Since the image and area information are grouped and stored into the same database file then object instancing is being performed by the writing into a single database file.*).

Claim 7:

Niemi teaches the method according to claim 1, also including the steps of compression of the image and storage of the compression data in a second file (*The alternative method of storing the detailed image appears to be inherently stored in a second file, see paragraph 0062.*), the compression data making it possible to reconstruct the image and further containing said additional data (*This detailed image is the additional data for the zoomable area.*).

Claim 9:

Niemi teaches the method according to claim 1, wherein the image has a given resolution (*The first web page image has a lower resolution.*) and wherein said additional data define at least one additional resolution for the zoomable area (*The detailed images associated with the zoomable areas define at least one additional resolution for the zoomable area of the first web page.*).

Claim 10:

Niemi teaches the method according to claim 1, wherein the image has a given quality (*The first web page image has a lower resolution and less sharpness, see paragraph 0058.*) and wherein said additional data define at least one additional quality for the zoomable area (*The detailed images associated with the zoomable areas define at least one additional resolution having greater sharpness for the zoomable area of the first web page, see paragraph 0058.*).

Claims 17-20, 22, 23, 25, and 26:

These claims are means plus function device claim version of method claims 1-4, 6, 7, 9, and 10 which claim the same functions of claims 1-4, 6, 7, 9, and 10. Claims 17-20, 22, 23, 25, and 26 are rejected for the same reasons given above for claims 1-4, 6, 7, 9, and 10. Additionally the corresponding means of Niemi are the same as or equivalent to applicants claimed means.

Claim 11:

Niemi teaches a method of reading a file describing a digital image comprising the steps of:

reading characteristics of at least one zoomable area in a first file, a zoomable area being defined by characteristics of location of said area in the image and for which additional data are available (*See paragraphs 048-066, 0074, 0075 which describes an image having zoomable areas which upon selection by the user zoom to fill the display area used by the image, see paragraph 0052 where the presentation image is the same size as the detailed image.*),

receiving a navigation instruction (*As the user moves the mouse pointer over the image and the hovers over and then selects an area of the image that is a zoomable area then the operating system then sends to the application program a selection signal which is the claimed navigation instruction.*),

reading at least one management function for navigation in the image, in the first file (*Within the database file is data defining the zoomable areas and this data is read by the program to determine where the zoomable areas are located on the image.*), and

executing said at least one function (*The program executes these instructions so the system will be able to determine the location of the zoomable areas, display a frame around the zoomable areas, not performing the zooming when the non-zoomable are is selected, and performing other tasks such as those outlined in paragraph 0060.*).

Claim 12:

Niemi teaches the method of claim 11, comprising the step of testing compatibility between the navigation instruction and the characteristics of said at least one zoomable area, wherein the step of executing said at least one function occurs only if the result of the previous test is incompatibility (*When the program determines the mouse pointer is not in a zoomable area other tasks are performed such as those described in paragraph 0060 or simply nothing will occur on the display, both of which meets this claim limitation.*).

Claim 13:

Niemi teaches the method according to claim 11, wherein the navigation instruction comprises an instruction included in the list consisting of an instruction to move in the image and a zoom instruction (*Move in the image is discussed at paragraphs 0068-0070 during zooming of the image.*).

Claim 14:

Niemi teaches the method according to claim 11, wherein the execution of said at least one navigation function comprises the display of a message (*Paragraph 0060 discusses metadata messages and the lack of zooming due to selection of a non-zoomable area is also a displayed message.*).

Claim 15:

Niemi teaches the method according to claim 11, wherein the execution of said at least one navigation function comprises a zoom by interpolation in the decoded image (*See paragraph 0068-0069 which discusses a continuous zoom which is performed by interpolation of the decoded image in a zoom area and the detailed image of the zoomed area since the computation of the image in paragraph 0069 inherently involves interpolation. Also the difference image described at paragraphs 0055-0057, 0066, 0067 uses interpolation to form the zoomed image.*).

Claim 16:

Niemi teaches the method according to claim 12, comprising the step of decompressing (E17) said additional data, if the result of the compatibility test is positive (*If the area is zoomable the image data is decompressed at least by the difference method embodiment.*).

Claims 27-32:

These claims are means plus function device claim version of method claims 11-16 which claim the same functions of claims 11-16. Claims 27-32 are rejected for the same reasons given above for claims 11-16. Additionally the corresponding means of Niemi are the same as or equivalent to applicants claimed means.

Claim 33:

Niemi teaches the device according to claim 17, wherein the definition and writing means are incorporated in:

a microprocessor (100) (*Inherent in the computer running the program.*),

a read only memory (102) containing a program for processing the data (*Inherent in the computer running the program.*), and

a random access memory (103) containing registers adapted to record the variables modified during the execution of said program (*Inherent in the computer running the program.*).

Claim 34:

Niemi teaches the device according to claim 27, wherein the reading, reception, test and execution means are incorporated in:

a microprocessor (*Inherent in the computer running the program.*),

a read only memory containing a program for processing the data (*Inherent in the computer running the program.*), and

a random access memory containing registers adapted to record the variables modified during the execution of said program (*Inherent in the computer running the program.*).

Claim 35:

Niemi teaches a digital image processing apparatus (*The zooming of images is image processing.*), characterized in that it comprises means adapted to implement the method according to claim 1 or 11. Additionally the corresponding means of Niemi are the same as or equivalent to applicants claimed means.

Claim 36:

Niemi teaches a digital image processing apparatus (*The zooming of images is image processing.*), characterized in that it comprises the device according to claim 17 or 27.

Claim 37:

Niemi teaches an information storage means, characterized in that it can be read by a computer or by a microprocessor, integrated or not into the device, possibly removable, and in that it stores a program implementing the method according to claim 1 or 11 (*See paragraph 0001 and 0002 which discuss a computer which inherently requires an information storage means storing a program implementing the method.*).

Claim 38.

Niemi teaches a computer program, characterized in that it can be read by a microprocessor and in that it comprises one or more sequences of instructions able to implement the method according to claim 1 or 11 (*See paragraph 0001 and 0002 which discuss a computer which inherently requires an information storage means storing a program implementing the method.*).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 5, 8, 21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over The article by Cheong S Ang, Peter Brantley, Michael Doyle. Polymap: A Versatile Client-Side Image Map for the Web, Proceedings of the Fourth WWW Conference at Boston, Dec 1995, pgs 1-10 describes in detail the ploymap system. The article discusses using GIF and JPEG but not the claimed SWF or JPEG2000. Applicants specification discusses these file formats as prior art file formats that applicant uses to store the image and navigation information. It would have been obvious to one of ordinary skill in the art to use SWF or JPEG2000 rather than the older

Art Unit: 2672

GIF or JPEG because the newer file formats are more likely to work with the customer's computer's software.

20. Claims 5, 8, 21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niemi, US Patent Application Publication No. 2002/0105531. This reference is silent concerning the file types used to store the image in the database thus it does not discuss the claimed SWF or JPEG2000. Applicants specification discusses these file formats as prior art file formats that applicant uses to store the image and navigation information. It would have been obvious to one of ordinary skill in the art to use SWF or JPEG2000 because these newer file formats are more likely to work with the customer's computer's software.

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The webpage titled Image Mapping with Polymap discusses a file that includes both image data and navigation data.

<http://www.lri.ucsf.edu/polymap/polymapMain.html>

Hamlet, US Patent No. 6,606,103, teaches an object within an area of a GUI that is enlargeable.

Chui, US Patent.No. 6,873,343, teaches forming several layers of an image and having an associated SVG graphic on the image which as illustrated in figure 3A allows the image to be zoomed with the SVG graphic remaining the same size.

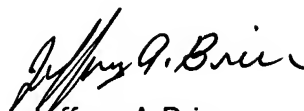
Rodriquez et al., US Patent Application Publication No. 2002/0154146, teaches a document having an image area along with text areas and where the image area is zoomable independent of the text areas. Paragraphs 0043-0045 discuss the user interacting with arrows associated with the image to zoom the image, enlarge or reduce the image, while the remainder of the document does not have zooming controlled by the image's arrows.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is (571) 272-7656. The examiner can normally be reached on M-F from 7:00 to 3:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 2672

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Jeffery A. Brier". The signature is stylized with a large, sweeping initial "J" and a cursive "Brier".

Jeffery A Brier
Primary Examiner
Art Unit 2672